

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201909376	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/26/2019 12:19 AM	Location of Incident: Macy Place and Prospect Avenue	Precinct: 41	18 Mo. SOL 4/26/2021	EO SOL 12/11/2021	
Date/Time CV Reported Sun, 10/27/2019 8:10 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 10/27/2019 8:10 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Joyce	05953	961846	PSA 7
2. POM Michael Visintin	14001	953536	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Visintin	Abuse: Police Officer Michael Visintin stopped § 87(2)(b)	
B.POM John Joyce	Abuse: Police Officer John Joyce stopped § 87(2)(b)	
C.POM Michael Visintin	Abuse: Police Officer Michael Visintin frisked § 87(2)(b)	
D.POM Michael Visintin	Abuse: Police Officer Michael Visintin searched § 87(2)(b)	
E.POM Michael Visintin	Off. Language: Police Officer Michael Visintin made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	
F.POM Michael Visintin	Abuse: Police Officer Michael Visintin failed to provide § 87(2)(b) with a business card.	
G.POM John Joyce	Abuse: Police Officer John Joyce failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 27, 2019, § 87(2)(b) filed this complaint via the CCRB's online website on behalf of her son, § 87(2)(b). § 87(2)(b) did not witness the incident.

On October 26, 2019, at approximately 12:19 a.m., Police Officer Michael Visintin and Police Officer John Joyce, both of PSA 7, stopped § 87(2)(b) at the corner of Macy Place and Prospect Avenue in the Bronx (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). PO Visintin allegedly frisked § 87(2)(b), entered his jacket pockets, and removed § 87(2)(b)'s belongings (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). During the search, PO Visintin allegedly pulled § 87(2)(b)'s jeans away from his body, as if he was going to put his hands in § 87(2)(b)'s pants. When § 87(2)(b) asked PO Visintin what he was doing, PO Visintin allegedly stated, "Oh, you like that?" which § 87(2)(b) interpreted as a sexual remark (**Allegation E: Offensive Language**, § 87(2)(g)). PO Visintin and PO Joyce then left the location without providing § 87(2)(b) with a business card (**Allegations F and G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was neither arrested nor summonsed during this incident.

§ 87(4-b), § 87(2)(g)

There is no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael Visintin stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer John Joyce stopped § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Michael Visintin frisked § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Michael Visintin searched § 87(2)(b)

Allegation (E) Offensive Language: Police Officer Michael Visintin made remarks to § 87(2)(b)

§ 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Michael Visintin failed to provide § 87(2)(b)

§ 87(2)(b) with a business card.

Allegation (G) Abuse of Authority: Police Officer John Joyce failed to provide § 87(2)(b)

§ 87(2)(b) with a business card.

§ 87(2)(b) (BR 01) testified that prior to interacting with PO Visintin and PO Joyce, he was walking to the 2 train subway station from his home and crossed the intersection of East 156th Street and Prospect Avenue in the Bronx with the right of way. § 87(2)(b) continued walking on Prospect Avenue, and when he was between East 156th Street and Macy Place, he saw an unmarked black Impala drive to the left of him. When § 87(2)(b) arrived at the corner of Prospect Avenue and Macy Place, PO Visintin and PO Joyce exited the vehicle. PO Visintin instructed § 87(2)(b) to put his hands on the car because he was jaywalking. § 87(2)(b) complied, and PO Visintin then frisked § 87(2)(b)'s arms, shoulders, waistband, legs, and ankles. PO Visintin proceeded to enter the external and internal pockets of § 87(2)(b)'s blue puffer jacket. PO Visintin removed § 87(2)(b)'s wallet, identification, dental floss, and Vaseline from § 87(2)(b)'s inside jacket pocket and placed them on top of the vehicle. PO Visintin then pulled § 87(2)(b)'s jeans away from his body and motioned his hand downward, as if he was going to enter § 87(2)(b)'s pants. § 87(2)(b) said, "What are you doing? If I had a gun on me, you would've felt it if you're frisking me." PO Visintin responded, "Oh, you like that?" PO Visintin then gave § 87(2)(b) back his belongings and told him, "Don't walk on the reds." § 87(2)(b) asked PO Visintin for a business card, but PO Visintin said he did not have any. PO Joyce, who did not say anything to § 87(2)(b) during the interaction, also did not provide § 87(2)(b) with a business card.

The investigation determined that PO Visintin and PO Joyce were the officers involved in this incident as PO Joyce performed a warrant audit (BR 02) for § 87(2)(b). Further, § 87(2)(b) provided the digits of PO Visintin's shield number: one, zero, and four, though he did not

recall their order, and provided his name as PO “Viscetti” or “something similar.” PO Visintin’s shield number is 14001.

PO Visintin (BR 03) and PO Joyce (BR 04) were interviewed regarding this incident on February 4, 2021 and had no recollection of interacting with § 87(2)(b). Officer interviews did, however, confirm that PO Joyce and PO Visintin were partnered during the incident.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 10-11).
- PO Visintin has been a member of service for eight years and has been named a subject in four cases and seven allegations, none of which were substantiated. § 87(2)(g)
- PO Joyce has been a member of service for four years and has been named a subject in one case and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 4, 2020, the New York City Office of the Comptroller has no record of a

Notice of Claim being filed in regard to this complaint (BR 12).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 14

Investigator:	<u>Casey McCann</u>	<u>Inv. Casey McCann</u>	<u>02/08/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date